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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

WILLIAM WISNIEWSKI,

Plaintiff,

-against-

JPMORGAN CHASE BANK, N.A. and
EQUIFAX INFORMATION SERVICES, LLC,

Defendants.

Case No. 1:24-cv-01113

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, and based upon the grounds set forth in this Notice of Removal, defendant JPMorgan Chase Bank, N.A. (“Chase”) hereby moves to remove the claims at issue in plaintiff William Wisniewski’s (“Plaintiff” or “Wisniewski”) Complaint, as described more fully below, from the Superior Court of New Jersey, Gloucester County, Law Division, to the United States District Court for the District of New Jersey. In support of its Notice of Removal, Chase states as follows:

1. On January 26, 2024, Plaintiff filed his Complaint in Superior Court of New Jersey, Gloucester County, Law Division, where the matter was assigned Docket No. GLO-L-000107-24. A true and accurate copy of the Complaint is attached hereto as Exhibit “1.”

2. The Complaint constitutes the initial pleadings for purposes of removal under 28 U.S.C. §1446(b) as it provides the necessary facts to support this notice of removal. Removal is thus timely under 28 U.S.C. §1446(b) because Chase has filed this notice within thirty days of

the filing or service of the Complaint. Chase has not responded to the Complaint in the state action.

3. The Complaint alleges, *inter alia*, that Chase and co-defendant Equifax Information Services, LLC violated § 1681s-2(b) of the Fair Credit Reporting Act (“FCRA”) by failing to conduct a reasonable investigation of Plaintiff’s dispute concerning an account reporting on his credit report as charged off when in fact it was settled. As a consequence of this allegedly false reporting, Plaintiff allegedly suffered damages. *See* Complaint, at ¶¶9-35. Plaintiff also brings a separate cause of action against Equifax only pursuant to New York’s Fair Credit Reporting Act. *Id.* at ¶¶36-41.

4. This Court has original jurisdiction over this action because it arises under the laws of the United States. 28 U.S.C. § 1331. “[A] case arises under federal law when federal law creates the cause of action asserted.” *Gunn v. Minton*, 568 U.S. 251, 257 (2013). Here, the Complaint asserts a cause of action created by federal law under the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.* The FCRA applies to claims involving any information furnished to consumer reporting agencies. *See Macpherson v. JPMorgan Chase Bank, N.A.*, 665 F.3d 45, 47-48 (2d Cir. 2011)(citing 15 U.S.C. §1681t(b)(1)(F)(“[n]o requirement or prohibition may be imposed under the laws of any State with respect to any subject matter ... relating to the responsibilities of persons who furnish information to consumer reporting agencies ...”)). Accordingly, pursuant to 28 U.S.C. §§ 1331 and 1441(b), causes of action arising under the FCRA, insofar as they implicate a federal question, are properly removed to federal court. *See, e.g., Green v. NCO Inovision*, 2010 WL 147934, at *1 (D.N.J. Jan. 11, 2010); *Farley v. Williams*, 2005 WL 3579060, *1, 2 (W.D.N.Y. Dec. 30, 2005); *Caltabiano v. BSB Bank & Trust Co.*, 387 F.Supp.2d 135, 137 (E.D.N.Y. 2005).

5. Copies of all process, pleadings, and orders served upon and filed by Chase in the State court action are attached hereto as required by 28 U.S.C. § 1446(a).

6. Although no defendant has yet to appear or otherwise respond to the Complaint in this action, Chase has obtained the consent of co-defendant Equifax to remove the case to this Court. *See* Consent annexed hereto as Exhibit “2” hereto.

7. Chase is filing a copy of this Notice with the Superior Court of New Jersey, Gloucester County, Law Division, in accordance with 28 U.S.C. § 1446(d).

8. This Notice of Removal is also filed with a Disclosure Statement certifying the identity of all publicly traded corporate entities associated with Chase, in accordance with the requirements of Rule 7.1 of the Federal Rules of Civil Procedure.

WHEREFORE, defendant Chase requests that this action be removed from the Superior Court of New Jersey, Gloucester County, Law Division, to the United States District Court for the District of New Jersey.

Dated: New York, New York
February 26, 2024

TURCOTTE LAW, P.C.

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